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EXAMINER

AJIBADE AKONAI, OLUMIDE

ART UNIT	PAPER NUMBER
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2617

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Please find below and/or attached an Office communication concerning this application or proceeding.

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1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

DETAILED ACTION

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 7-10, the phrase "approximately" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 29 recites the limitation "storage" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6 and 11-33 are rejected under 35 U.S.C. 102(e) as being anticipated by **Steele et al 6,564,047 (hereinafter Steele)**.

Regarding **claim 1**, Steele discloses a method for allowing a mobile subscriber to negotiate via a mobile terminal a trade of minutes by category according to a predetermined exchange rate as set forth by a service provider, the method comprising the steps of: providing a plurality of categories of usage (family air time management, with a fixed number of minutes assigned to other family members through the mobile phone of the mother and the family air time management has three or more bins of associated air time, see col. 6, table 1, lines 5-65) associated with a mobile terminal (mother's cellular phone, see col. 6, lines 5-10), the mobile terminal having associated therewith predetermined amounts of time respectively for the categories during a predetermined time interval (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10); tracking, by the telecommunication network (telecommunications network 10, see fig. 1, col. 2, lines 48-50), respective time used by the mobile terminal in each category of the plurality of categories during the predetermined time interval (inherent, since the account manager/mother who purchased the block of airtime minutes creates three or more bins of associated air time, and a soft and hard restriction flag so that when any of the assigned users exceed the amount of air time associated with any of the bins, they are subject to be prohibited

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from making further calls, thus indicating that the network is tracking the amount of time used by the mobile terminal in each category, see table 1, col. 5, lines 10-63); selecting, at the mobile terminal, at least a portion of at least one remaining time in one category (mom's unrestricted bin, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3) of the plurality of categories for transfer to at least one other category (daughter's restricted bin, see table 6, col. 5, lines 10-15, col. 6, lines 65-67 and col. 7, lines 1-3) of the plurality of categories (the mom transfers minutes to the daughters mobile terminal, see col. 6, lines 65-67 and col. 7, lines 1-3), for a respective category (mom's unrestricted bin, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3) a remaining time of the respective category being a respective amount of time during the time interval less a respective current amount of used time for the respective category (dynamically allocating time from the mom's unrestricted bin of purchased block of air time to the son, dad or daughter's restricted, unrestricted or forbidden bins, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3); and transferring, at the telecommunication network and according to the selection, at least a portion of at least one remaining time in one category of the plurality of categories to at least one other category of the plurality of categories (dynamically allocating time from the mom's unrestricted bin of purchased block of air time to the son, dad or daughter's restricted, unrestricted or forbidden bins, see table 1, col. 5, lines 10-63, col. 6, lines 65-67, col. 7, lines 1-3).

Regarding **claim 11**, Steele discloses A method for allowing a mobile subscriber to negotiate via a mobile terminal a trade of minutes by category according to a predetermined exchange rate as set forth by a service provider, the method comprising the steps of: providing a plurality of categories of usage associated with a mobile terminal (unrestricted, restricted and forbidden bins for mobile the cellular phones of the family air time management, see fig. 1, table 1, col. 6, lines 5-30), the mobile terminal having associated therewith predetermined amounts of time respectively for the categories during a predetermined time interval (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10); tracking, by the telecommunication network (telecommunications network 10, see fig. 1, col. 2, lines 48-50), respective time used by the mobile terminal in each category of the plurality of categories during the predetermined time interval (inherent, since the account manager/mother who purchased the block of airtime minutes creates three or more bins of associated air time, and a soft and hard restriction flag so that when any of the assigned users exceed the amount of air time associated with any of the bins, they are subject to be prohibited from making further calls, thus indicating that the network is tracking the amount of time used by the mobile terminal in each category, see table 1, col. 5, lines 10-63); initiating, by the mobile terminal, a trade transaction with the telecommunication network (see col. 9, lines 50-56); sending, from the telecommunication network to the mobile terminal, current amount of used time

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respectively in each category of the plurality of categories (inherent, since the family air time management has a plurality of bins with associated air time in order to keep track of the amount of minutes used, and the mom's telephone can always access the bins to receive information on the amount of minutes left in any of the phones, see table. 1, col. 5, lines 10-63 and col. 6, lines 5-64); selecting, at the mobile terminal, at least a portion of at least one remaining time in one category of the plurality of categories for transfer to at least one other category of the plurality of categories, for a respective category (the mom transfers minutes to the daughters mobile terminal, see col. 6, lines 65-67 and col. 7, lines 1-3), a remaining time of the respective category being a respective amount of time during the time interval less a respective current amount of used time for the respective category (dynamically allocating time from the mom's unrestricted bin of purchased block of air time to the son, dad or daughter's restricted, unrestricted or forbidden bins, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3); sending, from the mobile terminal to the telecommunication network, the selection; and transferring, at the telecommunication network and according to the selection, at least a portion of at least one remaining time in one category of the plurality of categories to at least one other category of the plurality of categories (dynamically allocating time from the mom's unrestricted bin of purchased block of air time to the son, dad or daughter's restricted, unrestricted or forbidden bins, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3).

Regarding **claim 20**, Steele discloses a method for allowing a mobile subscriber to negotiate via a mobile terminal a trade of minutes by category according to a

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predetermined exchange rate as set forth by a service provider, the method comprising the steps of: providing a plurality of categories of usage associated with a mobile terminal (unrestricted, restricted and forbidden bins for mobile the cellular phones of the family air time management, see fig. 1, table 1, col. 6, lines 5-30), the mobile terminal having associated therewith predetermined amounts of time respectively for the categories during a predetermined time interval (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10); tracking, by the telecommunication network (telecommunications network 10, see fig. 1, col. 2, lines 48-50); tracking, by the telecommunication network (telecommunications network 10, see fig. 1, col. 2, lines 48-50), respective time used by the mobile terminal in each category of the plurality of categories during the predetermined time interval (inherent, since the account manager/mother who purchased the block of airtime minutes creates three or more bins of associated air time, and a soft and hard restriction flag so that when any of the assigned users exceed the amount of air time associated with any of the bins, they are subject to be prohibited from making further calls, thus indicating that the network is tracking the amount of time used by the mobile terminal in each category, see table 1, col. 5, lines 10-63); initiating, by the mobile terminal, a trade transaction with the telecommunication network (see col. 9, lines 50-56); sending, from the telecommunication network to the mobile terminal, current time used information respectively for each category of the plurality of categories (inherent, since the family air

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time management has a plurality of bins with associated air time in order to keep track of the amount of minutes used, and the mom's telephone can always access the bins to receive information on the amount of minutes left in any of the phones, see table. 1, col. 5, lines 10-63 and col. 6, lines 5-64); selecting, at the mobile terminal, at least a portion of at least one remaining time in one category of the plurality of categories for transfer to at least one other category of the plurality of categories (the mom transfers minutes to the daughters mobile terminal, see col. 6, lines 65-67 and col. 7, lines 1-3), for a respective category a remaining time of the respective category being a respective amount of time during the time interval less a respective current amount of used time for the respective category (dynamically allocating time from the mom's unrestricted bin of purchased block of air time to the son, dad or daughter's restricted, unrestricted or forbidden bins, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3); sending from the mobile terminal to the telecommunication network, the selection; transferring, at the telecommunication network and according to the selection, at least a portion of at least one remaining time in one category of the plurality of categories to at least one other category of the plurality of categories (dynamically allocating time from the mom's unrestricted bin of purchased block of air time to the son, dad or daughter's restricted, unrestricted or forbidden bins, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3), the at least a portion of at least one remaining time in one category of the plurality of categories being a first amount of time that is converted, according to a one of a pre-set exchange rate and a dynamic exchange rate, into a second amount of time in the at least one other category of the plurality of category

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(adding three months of call waiting or downloading an MP3 in exchange for minutes from the user's account, see col. 9, lines 50-56); and informing the mobile terminal that the transfer is completed (dynamically allocating time from the mom's unrestricted bin of purchased block of air time to the son, dad or daughter's restricted, unrestricted or forbidden bins, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3).

Regarding **claim 27**, Steele discloses A system that allows a mobile subscriber to negotiate via a mobile terminal a trade of minutes by category according to a predetermined exchange rate as set forth by a service provider, the system comprising: a MSC time trade controller in the telecommunication network (inherent, since the telecommunications network 10 is used for the air time for merchandise/service in which the minutes from a mobile phone are traded through the network for additional call waiting or downloading of an MP3 file, indicating that the switch 12 has the functionality of a time trader or a processor that accomplishes the functions of the time trader, see fig. 1, col. 2, lines 48-65, col. 4, lines 35-41 and 56-64 and col. 9, lines 50-56) and a mobile time trade controller in the mobile terminal (inherent, since any of the cellular telephones 22, 24 and 26 can be used for the air time for merchandise/service in which the minutes from a mobile phone are traded through the network for additional call waiting or downloading of an MP3 file, indicating that the switch 12 has the functionality of a time trader or a processor that accomplishes the functions of the time trader, see fig. 1, col. 2, lines 48-67, col. 4, lines 35-41 and 56-64 and col. 9, lines 50-56); a plurality of categories of usage associated with the mobile terminal (unrestricted, restricted and forbidden bins for mobile the cellular phones of the family air time management, see fig.

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1, table 1, col. 6, lines 5-30), the mobile terminal having associated therewith predetermined amounts of time respectively for the categories during a predetermined time interval (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10); tracking, by the telecommunication network (telecommunications network 10, see fig. 1, col. 2, lines 48-50); tracking module in the telecommunication network, that tracks and stores respective time used by the mobile terminal in each category of the plurality of categories during the predetermined time interval, the tracking module operatively connected to the MSC time trade controller; a trade transaction request formed by the mobile time trade controller (inherent, since the account manager/mother who purchased the block of airtime minutes creates three or more bins of associated air time, and a soft and hard restriction flag so that when any of the assigned users exceed the amount of air time associated with any of the bins, they are subject to be prohibited from making further calls, thus indicating that the network is tracking the amount of time used by the mobile terminal in each category, see table 1, col. 5, lines 10-63), wherein the trade transaction request is sent from the mobile terminal to the telecommunication network (see col. 9, lines 50-56); current time used information having current amount of used time respectively in each category of the plurality of categories (unrestricted, restricted and forbidden bins for mobile the cellular phones of the family air time management, see fig. 1, table 1, col. 6, lines 5-30), wherein the current time used information is sent from the telecommunication network

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to the mobile terminal in response to the trade transaction request (inherent, since the family air time management has a plurality of bins with associated air time in order to keep track of the amount of minutes used, and the mom's telephone can always access the bins to receive information on the amount of minutes left in any of the phones, see table. 1, col. 5, lines 10-63 and col. 6, lines 5-64); a storage in which is stored the current time used information (DBs 32, 34 or 36, see fig. 1, col. 3, lines 14-17), the storage operatively connected to at least the MSC time trade controller and the tracking module (see fig. 1, col. 3, lines 14-26); selection information formed by the mobile time trade controller, indicative of at least a portion of at least one remaining time in one category of the plurality of categories for transfer to at least one other category of the plurality of categories (unrestricted, restricted and forbidden bins for mobile the cellular phones of the family air time management, see fig. 1, table 1, col. 6, lines 5-30), wherein the selection information is sent from the mobile terminal to the telecommunication network (the mom transfers minutes to the daughters mobile terminal, see col. 6, lines 65-67 and col. 7, lines 1-3); a remaining time of a respective category being a respective predetermined amount of time during the time interval less a respective current amount of used time for the respective category (dynamically allocating time from the mom's unrestricted bin of purchased block of air time to the son, dad or daughter's restricted, unrestricted or forbidden bins, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3); and responsive to received selection information at the telecommunication network, at least a portion of at least one remaining time in one category of the plurality of categories being a first amount of time

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that is converted, according to a one of a pre-set exchange rate and a dynamic exchange rate, into a second amount of time in the at least one other category of the plurality of category, wherein the conversion is in response to selection information received at the telecommunication network (adding three months of call waiting or downloading an MP3 in exchange for minutes from the user's account, see col. 9, lines 50-56).

Regarding **claims 2, 13, 21, and 28**, as applied to claims 1, 11, 20 and 23, Steele further discloses wherein a respective category of the plurality of categories is one of peak minutes, off-peak minutes, voice minutes, peak data usage, off-peak data usage, weekend minutes, mobile-to-mobile minutes, and message minutes (voice and data calls, see table 1, col. 5, lines 10-31 and col. 6, lines 5-32).

Regarding **claims 3, 14, 22 and 30**, as applied to claims 1, 11, 20 and 23, Steele further discloses wherein the method further comprises storing in a subscriber database (DBs 32, 34 or 36, see fig. 1, col. 3, lines 14-17) the plurality of categories of usage and the associated respective predetermined amounts of time for the mobile terminal (unrestricted, restricted and forbidden bins for mobile the cellular phones of the family air time management, see fig. 1, table 1, col. 6, lines 5-30).

Regarding **claims 4, 15, 23 and 31**, as applied to claims 1, 11, 20 and 23, Steele further discloses wherein the predetermined time interval is a billing cycle (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that

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the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10).

Regarding **claims 5, 16, 24 and 32**, as applied to claims 1, 11, 20 and 23, Steele further discloses wherein the predetermined time interval is a plurality of billing cycles (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10).

Regarding **claims 6 and 18**, as applied to claims 1 and 11, Steele further discloses wherein transferring, at the telecommunication network and according to the selection, the at least a portion of at least one remaining time in one category of the plurality of categories is a first amount of time that is converted, according to a one of a pre-set exchange rate and a dynamic exchange rate, into a second amount of time in the at least one other category of the plurality of category (adding three months of call waiting or downloading an MP3 in exchange for minutes from the user's account, see col. 9, lines 50-56).

Regarding **claim 12**, as applied to claim 11, Steele further discloses informing, by the telecommunications network, the mobile terminal that the transfer is completed (see fig. 1, col. 4, lines 35-67).

Regarding **claims 19 and 26**, as applied to claims 11 and 20, Steele further discloses wherein the telecommunication network (telecommunications network 10, see fig. 1, col. 2, lines 48-50) effects the transfer in a subscriber database (DBs 32, 34 or

36, see fig. 1, col. 3, lines 14-17) and billing database (database 58, see fig. 1, col. 3, lines 47-50 and col. 4, lines 35-41), which are associated with the mobile terminal, in the telecommunication network (dynamically allocating time from the mom's unrestricted bin of purchased block of air time to the son, dad or daughter's restricted, unrestricted or forbidden bins, see table 1, col. 5, lines 10-15, col. 6, lines 65-67, col. 7, lines 1-3).

Regarding **claims 17, 25 and 33**, as applied to claims 11 and 20 and 23, Steele further discloses wherein the mobile terminal initiates a trade transaction with the telecommunication network by at least one of a dialing a prescribed number, performing a voice dial, and using a web based interface (SMS messaging, see fig. 1, col. 4, lines 42-64 and col. 9, lines 50-56).

Regarding **claim 29**, as applied to claim 23, Steele further discloses wherein the storage has a billing database in which is stored the current time used for the mobile terminal and the exchange rates (inherent, since mobile subscriber is given an additional three months of call waiting or the capability for downloading an MP3 in exchange for minutes from the user's account, indicating that the telecommunications network 10 has a processor/algorithm to determine an equivalent amount of minutes relative to the amount of MP3 files that can be downloaded or call waiting time, see col. 9, lines 50-56).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Steele et al 6,564,047 (hereinafter Steele) in view of **Himmel et al 6,987,844**

(hereinafter Himmel).

Regarding **claim 7**, as applied to claim 1, Steele further discloses wherein the predetermined time interval is a billing cycle (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10).

Steele fails to disclose wherein the step of transferring comprises a trade of off- peak minutes for peak minutes in a current billing cycle at an exchange rate of approximately 10 to 1.

In the same field of endeavor, Himmel et al discloses wherein the step of transferring comprises a trade of off- peak minutes for peak minutes in a current billing cycle at an exchange rate of approximately 10 to 1 (inherent, since the mobile phone is capable of receiving minutes for free or a fee from another customer and the exchange rate may be 3 to 2, see col. 7, lines 30-38, 54-67 and 1-6).

It would therefore have been obvious to one of ordinary skill in the art to select any range subject to the requirement of the rate that are determined by the service providers.

Regarding **claim 8**, as applied to claim 1, Steele further discloses wherein the predetermined time interval is a billing cycle (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10).

Steele fails to disclose wherein the step of transferring comprises a push of peak minutes in a current billing cycle to peak minutes in a next billing cycle at an exchange rate of approximately 2 to 1.

In the same field of endeavor, Himmel discloses wherein the step of transferring comprises a push of peak minutes in a current billing cycle to peak minutes in a next billing cycle at an exchange rate of approximately 2 to 1 (inherent, since the mobile phone is capable of receiving minutes for free or a fee from another customer and the exchange rate may be 3 to 2, see col. 7, lines 30-38, 54-67 and 1-6).

It would therefore have been obvious to one of ordinary skill in the art to select any range subject to the requirement of the rate that are determined by the service providers.

Regarding **claim 9**, as applied to claim 1, Steele further discloses wherein the predetermined time interval is a billing cycle (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10).

Steele fails to disclose wherein the step of transferring comprises a pull of peak minutes in a next billing cycle into a peak minute category in a current billing cycle at an exchange rate of approximately 1 to 1.

In the same field of endeavor, Himmel discloses wherein the step of transferring comprises a pull of peak minutes in a next billing cycle into a peak minute category in a current billing cycle at an exchange rate of approximately 1 to 1 (inherent, since the mobile phone is capable of receiving minutes for free or a fee from another customer and the exchange rate may be 3 to 2, see col. 7, lines 30-38, 54-67 and 1-6).

It would therefore have been obvious to one of ordinary skill in the art to select any range subject to the requirement of the rate that are determined by the service providers.

Regarding **claim 10**, as applied to claim 1, Steele further discloses wherein the predetermined time interval is a billing cycle (inherent, since the mother/mom purchases a block of air time for the family air time management and allocates the time to the plurality of bins of the other family members, indicating that the mom bought a calling plan over a period of time for the family, see col. 6, lines 5-10).

Steele fails to disclose wherein the step of transferring comprises a pull of off-peak minutes in a next billing cycle into a peak minute category of a current billing cycle at an exchange rate of approximately 20 to 1.

In the same field of endeavor, Himmel discloses wherein the step of transferring comprises a pull of off-peak minutes in a next billing cycle into a peak minute category of a current billing cycle at an exchange rate of approximately 20 to 1

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(inherent, since the mobile phone is capable of receiving minutes for free or a fee from another customer and the exchange rate may be 3 to 2, see col. 7, lines 30-38, 54-67 and 1-6).

It would therefore have been obvious to one of ordinary skill in the art to select any range subject to the requirement of the rate that are determined by the service providers.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pericas et al 20040224661 discloses integrated wireless and wireline billing and services management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OA


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SUPERVISORY PATENT EXAMINER